

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

KANDANCE WELLS,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00317

CHARLESTON AREA MEDICAL CENTER – GENERAL,

Defendant.

ORDER

Before the Court is Plaintiff Kandance Wells’ (“Plaintiff”) Complaint, (ECF No. 2), and Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1.) By standing order, this matter was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition (“PF&R”). (ECF No. 3.) On March 12, 2025, Magistrate Judge Tinsley filed his PF&R recommending that Plaintiff’s Application be denied as moot and the civil action be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). (ECF No. 6.)

This Court is not required to review, de novo or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and Plaintiff’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1); see also *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes

general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on March 31, 2025. (ECF No. 6.) To date, Plaintiff has not filed any objections, thereby waiving de novo review of Magistrate Judge Tinsley's PF&R. Accordingly, this Court **ADOPTS** the PF&R, (ECF No. 6), **DENIES AS MOOT** Plaintiff's Application to Proceed Without Prepayment of Fees and Costs, (ECF No. 1), and **DISMISSES** this civil action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 10, 2025



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE